

# **EXHIBIT 5**

SUBSEQUENT PAROLE CONSIDERATION HEARING  
STATE OF CALIFORNIA  
BOARD OF PAROLE HEARINGS

In the matter of the )  
Life Term Plus One Year )  
Parole Consideration )  
Hearing of: ) CDC Number C-50493  
WILBUR MCCLORE )  
\_\_\_\_\_ )

CORRECTIONAL TRAINING FACILITY  
SOLEDAD, CALIFORNIA  
SEPTEMBER 12, 2005  
3:25 P.M.

PANEL PRESENT:

Ms. Susan Fisher, Presiding Commissioner  
Ms. D.H. McBean, Deputy Commissioner

OTHERS PRESENT:

Mr. Wilbur McClore, Inmate  
Ms. Katera Rutledge, Attorney for Inmate  
Mr. Jack Delavigne, Deputy District Attorney for  
Los Angeles County  
Correctional Officer Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

\_\_\_\_\_ No See Review of Hearing  
\_\_\_\_\_ Yes Transcript Memorandum

TIFFANY BILLINGSLEY, Peters Shorthand Reporting

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P R O C E E D I N G S

**PRESIDING COMMISSIONER FISHER:** All right.

This is going to be a subsequent parole consideration hearing for Wilbur McClore, CDC No. C-50493, today's date is 9-12-05 and we're located at Correctional Training Facility at Soledad. Inmate was received on 12-6-87 from Los Angeles County. The life term began on 4-6-87 and the minimum eligible parole date is 4-4-93.

The controlling offense which the inmate has been committed is kidnap for robbery. Case No. A811397, Count 1, Penal Code Section 209b. Inmate received a term of life plus one-year. Once again, the minimum eligible parole date is 4-4-93. Mr. McClore, we're going to be tape

recording today so for the transcriber, we're each going to say our first and last name and spell our last name. When I get to you, I need your CDC Number, all right? I'm going to start with myself and go to my left. Susan Fisher, F-I-S-H-E-R, Commissioner.

**DEPUTY COMMISSIONER MCBEAN:** I'm DH McBean, M-C-B-E-A-N, Deputy.

**DEPUTY DISTRICT ATTORNEY DELAVIGNE:** I'm Jack Delavigne, D-E-L-A-V-I-G-N-E, Deputy District Attorney, L.A. County.

**ATTORNEY RUTLEDGE:** Katera E. Rutledge,

1 Attorney for Mr. McClore.

2 INMATE MCCLORE: McClore, C-50493. M-C-C-  
3 L-O-R-E.

4 PRESIDING COMMISSIONER FISHER: Miss  
5 Rutledge, did you talk to Mr. McClore about the  
6 Americans with Disabilities Act?

7 ATTORNEY RUTLEDGE: Yes.

8 PRESIDING COMMISSIONER FISHER: And does  
9 he have anything that we need to accommodate  
10 today?

11 ATTORNEY RUTLEDGE: He's accommodated for.

12 PRESIDING COMMISSIONER FISHER: All right.  
13 I do want to note for the record that on January  
14 4<sup>th</sup> of this year, Mr. McClore did sign the BPT  
15 1073 form, you noted something about having a  
16 walking problem, is that correct?

17 INMATE MCCLORE: Yes.

18 PRESIDING COMMISSIONER FISHER: Okay.  
19 What's it from?

20 INMATE MCCLORE: From being shot.

21 PRESIDING COMMISSIONER FISHER: Oh.  
22 That'll do it, won't it.

23 INMATE MCCLORE: You got that right.

24 PRESIDING COMMISSIONER FISHER: Okay. And  
25 so do you have to use any kind of -- do you use  
26 a cane or anything?

27 INMATE MCCLORE: I used to, I come off of

1 it just now.

2           **PRESIDING COMMISSIONER FISHER:** Have you,  
3 okay. How you doing?

4           **INMATE MCCLORE:** Doing okay.

5           **PRESIDING COMMISSIONER FISHER:** Okay. Are  
6 you in any pain?

7           **INMATE MCCLORE:** Little bit.

8           **PRESIDING COMMISSIONER FISHER:** Well, if  
9 you get uncomfortable, if you need to stretch or  
10 move around or anything, let me know, all right?

11           **INMATE MCCLORE:** All right.

12           **PRESIDING COMMISSIONER FISHER:** Okay. This  
13 hearing is being conducted pursuant to Penal  
14 Code Sections 3041 and 3042 and the rules and  
15 regulations of the Board of Prison Terms that  
16 govern parole considerations for life inmates.  
17 And as you know Mr. McClore, the purpose of  
18 today's hearing is to consider your commitment  
19 offense, your prior criminal and social history  
20 and your behavior and programming since he's  
21 been in prison for this offense. We've had the  
22 opportunity to review your file. I'm going to  
23 give your attorney the opportunity today to make  
24 any corrections that you need to. We're going to  
25 be reaching a decision today as to whether or  
26 not we find you suitable for parole. If we do  
27 find you suitable for parole, if we do find you

1    suitable, I'll explain to you how much longer  
2    you will be in prison. Before we recess to  
3    deliberate, I'm going to give you and you're  
4    attorney as well as the District Attorney an  
5    opportunity to make a final statement about your  
6    suitability. I want to remind you that you're  
7    not required to admit or discuss the offense but  
8    that the Panel accepts the findings of the Court  
9    to be true. Do you understand that?

10           **INMATE MCCLORE:** Yes.

11           **PRESIDING COMMISSIONER FISHER:** Okay. The  
12    California Code of Regulations states that  
13    regardless of the time served, the life inmate  
14    should be found unsuitable for and denied  
15    parole, if in the judgment of the Panel, the  
16    inmate would pose an unreasonable risk of danger  
17    to society if released from prison. You have  
18    rights related to this hearing, including a  
19    timely notice in the hearing; a right to review  
20    your Central file; the right to present relevant  
21    documents. Counsel, have your client's rights  
22    been met?

23           **ATTORNEY RUTLEDGE:** Yes.

24           **PRESIDING COMMISSIONER FISHER:** All right.  
25    You also have a right to an impartial Panel.  
26    Counsel, do you have any objections to the  
27    Panel?

1           **INMATE MCCLORE:** No.

2           **PRESIDING COMMISSIONER FISHER:** Counsel,  
3 do you have any objections to the Panel?

4           **ATTORNEY RUTLEDGE:** None.

5           **PRESIDING COMMISSIONER FISHER:** Okay, I'm  
6 going to give you a written copy of the decision  
7 today. It's going to be a tentative decision,  
8 it's going to be effective within 120 days. And  
9 then a copy of the decision and a copy of the  
10 transcript of the hearing will be sent to you.  
11 They changed the way they appeal Board decisions  
12 last year and now all the appeals go directly to  
13 the Courts. So if you need information about  
14 that, you responded as if you don't, but if you  
15 need information about that, your correctional  
16 counselor would have that or it would be in the  
17 prison library. Counsel, is there anything that  
18 needs to be submitted?

19           **ATTORNEY RUTLEDGE:** Yes Commissioner, we  
20 have one letter addressed to Mr. McClore for the  
21 Board of Parole Hearings, where he sought  
22 assistance in helping him adjust to parole.

23           **PRESIDING COMMISSIONER FISHER:** All right.  
24 Thank you. Mr. Delavigne, I didn't hear if you  
25 have everything.

26           **DEPUTY           DEPUTY           DISTRICT           ATTORNEY**  
27 **DELAVIGNE:** I do.



1           **PRESIDING COMMISSIONER FISHER:** Okay.

2 Thank you. Counsel, do you have everything  
3 there?

4           **ATTORNEY RUTLEDGE:** I'm not sure I have  
5 the sentencing transcript, I have what looks  
6 like trial transcript, but not a sentencing, let  
7 me look through for just a minute.

8           **PRESIDING COMMISSIONER FISHER:** They may  
9 have just miss-marked it.

10          **ATTORNEY RUTLEDGE:** I would just note that  
11 for the record, we have what appears to be trial  
12 testimony or even preliminary examination  
13 testimony?

14          **PRESIDING COMMISSIONER FISHER:** All right.  
15 Thank you. Any preliminary objections?

16          **ATTORNEY RUTLEDGE:** We would object if the  
17 Panel is going over these probation reports. It  
18 looks like the appellate decision based upon the  
19 transcript from the trial appears to be more  
20 accurate than the probation report.

21          **PRESIDING COMMISSIONER FISHER:** For the  
22 summary?

23          **ATTORNEY RUTLEDGE:** For the summary, yes.

24          **PRESIDING COMMISSIONER FISHER:** Okay. I  
25 actually had that one marked, so that's the one  
26 we're going to be using. All right. Is Mr.  
27 McClore going to be speaking with us?

1           **ATTORNEY RUTLEDGE:** Yes.

2           **PRESIDING COMMISSIONER FISHER:** If you  
3 will raise your right hand, I'm going to swear  
4 you in. Do you solemnly swear that the testimony  
5 that you give at this hearing will be the truth,  
6 the whole truth and nothing but the truth?

7           **INMATE MCCLORE:** Yes.

8           **PRESIDING COMMISSIONER FISHER:** Okay. Mr.  
9 McClore, what I'm going to do is read a summary  
10 of the crime into the record and I'm just going  
11 to ask you to tell me in your own words what  
12 happened. All right? If this is mostly accurate,  
13 we can kind of go from there. And this is page 2  
14 of the Appellate Decision and it reads as  
15 follows: It was established that at  
16 approximately 11:00a.m. on November 25, 1985,  
17 Kristi Boucher was about to get out of her car  
18 in the parking lot of a Wendy's restaurant, a  
19 man came up to her, opened car door and demanded  
20 her purse and money. When she responded she did  
21 not have a purse, the man struck her across the  
22 face and forced her by the neck into the  
23 passenger seat. Boucher gave the man her keys  
24 and told him her purse was in the trunk. When  
25 the man opened the trunk, Boucher saw appellant  
26 outside the passenger door to her car. Appellant  
27 entered the passenger side and the other man

1 entered the car on the driver's side and pushed  
2 Boucher into the back seat. When she told the  
3 men, "take my car, take everything, just let me  
4 out," one of the men responded, "Just sit back,  
5 we're going for a ride" as they drove, appellant  
6 went through Boucher's purse, taking money from  
7 her wallet. Appellant demanded that she write  
8 out a check for \$200 dollars and give it to him.  
9 Appellant ripped a necklace from her neck, took  
10 the rings from her fingers and her watch. After  
11 she and her kidnappers went to two stores, where  
12 they forced her to buy shoes and clothing for  
13 them. Hours later, the men released Boucher on  
14 the side of the freeway. All right. I think that  
15 pretty much covers the summary of the crime. Is  
16 that correct?

17 **INMATE MCCLORE:** Yes.

18 **PRESIDING COMMISSIONER FISHER:** Okay. And  
19 why? Why did that happen? What made you decide  
20 that it was a good idea to take this lady's  
21 money and her car and make her go shop for you?

22 **INMATE MCCLORE:** Well, at the time I was  
23 just stressing and being foolish, not having a  
24 job at the time and I needed the money. But  
25 everything you just said is correct. I'm not  
26 here to change any facts dealing with the case.

27 **PRESIDING COMMISSIONER FISHER:** Okay. I'm

1 just trying to get into what you were thinking  
2 at the time, more than whether or not you want  
3 to change the facts. I just don't, the thing  
4 that sort of caught my attention was, making her  
5 go shopping for you. Why not just grab her money  
6 and take off, I mean, you took her in the car,  
7 you made her go buy you clothes and shoes and  
8 stuff?

9 **INMATE MCCLORE:** Right. Because she didn't  
10 have no money. So, she had a credit card, so  
11 that's what the reason was to go to the stores.

12 **PRESIDING COMMISSIONER FISHER:** Okay. All  
13 right. How did you get arrested?

14 **INMATE MCCLORE:** I got arrested, I was  
15 driving with another guy in the car and I think  
16 he ran a stop sign, a red light or something  
17 like that, and officers came and gave him a  
18 ticket for running the light and described me  
19 from this case.

20 **PRESIDING COMMISSIONER FISHER:** Is there  
21 anything else about what happened that day that  
22 you and I haven't talked about as far as the  
23 details of how the crime happened or why the  
24 crime happened, or what was going on during the  
25 crime that we haven't covered?

26 **INMATE MCCLORE:** You covered everything.  
27 Everything is correct.

1           **PRESIDING COMMISSIONER FISHER:** All right.  
2 I'm going to talk about your prior social  
3 history, I'm going to start with any prior  
4 contacts with law enforcement. Just looking at  
5 the Board report here, and it says that there's  
6 no prior juvenile record, it says that you were  
7 arrested in '79 for robbery and released, it  
8 says detention only. How old were you in '79?  
9 That's always the hardest question for  
10 everybody. What year were you born?

11           **INMATE MCCLORE:** 1956. July 3<sup>rd</sup>.

12           **PRESIDING COMMISSIONER FISHER:** So, you  
13 must have been 23, right?

14           **INMATE MCCLORE:** Yes.

15           **PRESIDING COMMISSIONER FISHER:** Okay. Then  
16 you were arrested again in '82 for theft,  
17 receiving stolen property and burglary and you  
18 went to prison for that?

19           **INMATE MCCLORE:** Yes.

20           **PRESIDING COMMISSIONER FISHER:** How long  
21 were you actually in prison for that?

22           **INMATE MCCLORE:** It was a 2-year sentence.  
23 I think I did 13 months on that I believe.

24           **PRESIDING COMMISSIONER FISHER:** And then  
25 you were arrested for what is actually the non-  
26 controlling offense in this particular  
27 commitment and that was for assault with a

1 deadly weapon; right?

2 INMATE MCCLORE: Yes.

3 PRESIDING COMMISSIONER FISHER: Okay. And  
4 that was on 3-22-84 that was a different case  
5 number that was case number A807032 that was  
6 count 1. What happened? What was that?

7 ATTORNEY RUTLEDGE: We're going to ask,  
8 because I talked to Mr. McClore about this  
9 incident, there's lots of questions we have that  
10 we can't document, for example, the assault with  
11 a deadly weapon, the injuries, he would like to  
12 speak on that, but we can't at this point  
13 because we don't have the documents that would  
14 back up his statements. There doesn't appear to  
15 be any information as to whether there were  
16 injuries or anything that would support the 245.

17 PRESIDING COMMISSIONER FISHER: Well,  
18 according to the information I have in the file,  
19 the weapon was a telephone; is that right?

20 ATTORNEY RUTLEDGE: Yes. That was a fact,  
21 as stated in the report.

22 PRESIDING COMMISSIONER FISHER: Okay. This  
23 had to do with, you were pimping?

24 INMATE MCCLORE: No.

25 PRESIDING COMMISSIONER FISHER: You  
26 weren't pimping?

27 INMATE MCCLORE: No. I wasn't found guilty

1 of that.

2 PRESIDING COMMISSIONER FISHER: Okay.

3 ATTORNEY RUTLEDGE: That was dismissed at  
4 trial.

5 INMATE MCCLORE: yes.

6 PRESIDING COMMISSIONER FISHER: I know  
7 that was dismissed at trial, but I'm reading the  
8 circumstance of the offense and it says that you  
9 were forcing her, you were trying to force her  
10 into prostituting for you. All right. We'll move  
11 on. Let's talk about your social history. It  
12 says that you are the fifth of six kids, is that  
13 right?

14 INMATE MCCLORE: Yes ma'am.

15 PRESIDING COMMISSIONER FISHER: All right.  
16 Four brothers and one sister?

17 INMATE MCCLORE: yes.

18 PRESIDING COMMISSIONER FISHER: According  
19 to this, your parents are both deceased, what  
20 about your brothers and sister, are they all  
21 still alive?

22 INMATE MCCLORE: Yes.

23 PRESIDING COMMISSIONER FISHER: And are  
24 you in contact with them?

25 INMATE MCCLORE: Yes.

26 PRESIDING COMMISSIONER FISHER: Okay good.  
27 Did you grow up in Tennessee?

1 INMATE MCCLORE: Yes.

2 PRESIDING COMMISSIONER FISHER: Memphis?

3 INMATE MCCLORE: Yes.

4 PRESIDING COMMISSIONER FISHER: It looks  
5 like -- it says your family lives outside the  
6 state of California, are a lot of them still in  
7 Tennessee?

8 INMATE MCCLORE: I have one brother still  
9 in Tennessee.

10 PRESIDING COMMISSIONER FISHER: What about  
11 the others, where are they?

12 INMATE MCCLORE: My sister passed away,  
13 that's my only sister. And I have a brother that  
14 live in Alabama, my youngest brother and then I  
15 have two brothers that live in Texas, in  
16 Houston.

17 PRESIDING COMMISSIONER FISHER: So they're  
18 sticking to the South, huh.

19 INMATE MCCLORE: Oh yea.

20 PRESIDING COMMISSIONER FISHER: All right.  
21 It says that you've never been married but that  
22 you have two sons, is that right?

23 INMATE MCCLORE: yes.

24 PRESIDING COMMISSIONER FISHER: Do they  
25 both have the same mom?

26 INMATE MCCLORE: No.

27 PRESIDING COMMISSIONER FISHER: So, what



1 have you done to contribute to their well being  
2 while you've been here, anything?

3 INMATE MCCLORE: Well, I write them, and  
4 call them and if I have some extra money from my  
5 pay or whatever, I send them it.

6 PRESIDING COMMISSIONER FISHER: Do you?  
7 All right. No substance abuse history at all?

8 INMATE MCCLORE: No.

9 PRESIDING COMMISSIONER FISHER: It says  
10 that you drank alcohol a little bit, but just on  
11 social occasions. Right?

12 INMATE MCCLORE: Yes.

13 PRESIDING COMMISSIONER FISHER: So, what  
14 was going on in your life, because it says you  
15 had numerous jobs before you were incarcerated,  
16 worked at different kinds of things, how come  
17 you were taking other people's money?

18 INMATE MCCLORE: I just went bad. Got off  
19 track.

20 PRESIDING COMMISSIONER FISHER: Okay.  
21 That's a simple answer.

22 INMATE MCCLORE: Yes.

23 PRESIDING COMMISSIONER FISHER: When did  
24 you get off-track?

25 INMATE MCCLORE: I think when I first  
26 caught that first burglary case, yes.

27 PRESIDING COMMISSIONER FISHER: In '79?

1           INMATE MCCLORE: Yes.

2           PRESIDING COMMISSIONER FISHER: Oh wait,  
3 '79 was a robbery, '82 was the burglary.

4           INMATE MCCLORE: I wasn't found guilty of  
5 the robbery, they just let me go. Cuz it wasn't  
6 none of us.

7           PRESIDING COMMISSIONER FISHER: Okay. So,  
8 the burglary in '82, how did you get involved in  
9 that?

10          INMATE MCCLORE: The burglary?

11          PRESIDING COMMISSIONER FISHER: Yea. Were  
12 you by yourself?

13          INMATE MCCLORE: No.

14          PRESIDING COMMISSIONER FISHER: Somebody  
15 was with you?

16          INMATE MCCLORE: Right.

17          PRESIDING COMMISSIONER FISHER: Was it the  
18 same guy that was involved in this?

19          INMATE MCCLORE: No.

20          PRESIDING COMMISSIONER FISHER: So, did  
21 you just kind of go along with people when they  
22 wanted to commit crimes?

23          INMATE MCCLORE: Actually yea, I was young  
24 and foolish, you know. I was influenced, I just  
25 went along with it.

26          PRESIDING COMMISSIONER FISHER: So, how  
27 old are your son's now?

1           **INMATE MCCLORE:** Okay. Sky, he would have  
2 to be about 27. Demetris is 19.

3           **PRESIDING COMMISSIONER FISHER:** And where  
4 are they --

5           **INMATE MCCLORE:** Long Beach University,  
6 Demetris, he's living in Palmdale with his  
7 mother and he's going to Long Beach University.  
8 Sky, he still lives in Austin, Texas with his  
9 mother. He's working in Texas.

10          **PRESIDING COMMISSIONER FISHER:** What's  
11 Demetris studying? What's he going to be when  
12 grows up?

13          **INMATE MCCLORE:** Well, I don't really talk  
14 to him too much like that, no.

15          **PRESIDING COMMISSIONER FISHER:** Do you  
16 talk to him very often?

17          **INMATE MCCLORE:** No, not often, just  
18 sometimes.

19          **PRESIDING COMMISSIONER FISHER:** What about  
20 the other one, Sky, do you talk to him?

21          **INMATE MCCLORE:** Yes, he's working in  
22 Texas, he's truck driving.

23          **PRESIDING COMMISSIONER FISHER:** so they  
24 didn't follow in your footsteps?

25          **INMATE MCCLORE:** That's good.

26          **PRESIDING COMMISSIONER FISHER:** Anything  
27 else about your life before you came to prison

1 for this crime that you and I haven't talked  
2 about that you think we should know?

3 **INMATE MCCLORE:** No, not really.

4 **PRESIDING COMMISSIONER FISHER:** Okay. All  
5 right. Let's talk about your parole plans. In  
6 the file here, it says that you lived with your  
7 friend, and I think it's pronounce Coleen, is  
8 that right?

9 **INMATE MCCLORE:** I've been working with  
10 her at the beauty salon.

11 **PRESIDING COMMISSIONER FISHER:** And then  
12 it says that you can also stay with a friend  
13 from Morgan Pat Hill.

14 **INMATE MCCLORE:** Right.

15 **PRESIDING COMMISSIONER FISHER:** And then  
16 there's a cousin, is it Tabitha? You're cousin  
17 that's offering you a place to stay?

18 **INMATE MCCLORE:** Yes.

19 **PRESIDING COMMISSIONER FISHER:** Let's see  
20 what else we got here, and of course, it says  
21 you have a place in Tennessee you could stay.  
22 Now, I've got this letter --

23 **INMATE MCCLORE:** I have another place too,  
24 in Los Angeles County.

25 **PRESIDING COMMISSIONER FISHER:** Okay, and  
26 who's that with?

27 **INMATE MCCLORE:** My brother and

1 (Indiscernible) Kimbal.

2 **PRESIDING COMMISSIONER FISHER:** Okay. And  
3 do we have a letter from her?

4 **INMATE MCCLORE:** Right here.

5 **PRESIDING COMMISSIONER FISHER:** Okay.  
6 Good, and I may have it in the file too. But  
7 let's just take a look at it, just to be sure  
8 and get it on the record. All right. Is this  
9 your first choice? Is this the one that you  
10 want.

11 **INMATE MCCLORE:** Yes. This is closest to  
12 my job, you know, where I be working at.

13 **PRESIDING COMMISSIONER FISHER:** I'm going  
14 to spell her name for the transcriber, it's  
15 Shavela Kimball. She says she lives in Valley  
16 Glenn which is a subsidiary of Sherman Oaks and  
17 it says, "I'm writing this letter in support of  
18 W McClore. Will is one of my favorite uncles and  
19 I can't wait till the day when I spend some  
20 quality time with him and catch up, it's my  
21 understanding that he already has employment  
22 lined up and is eager to get back into society  
23 and make a living for himself. I feel he's paid  
24 his debt for a long time and now would be an  
25 opportunity to give him a second chance to give  
26 back." And she says that she will be there for  
27 whatever you need. And she gives us her contact

1 information. I think we have a lot of letters  
2 and I'm not going to read them all, but I did  
3 look to see if there were some in particular  
4 that you think would be important for me to put  
5 on the record other than to just note that you  
6 have lots and lots of letters of support. Is  
7 there anyone in particular that you think would  
8 be important for us to read a whole letter or  
9 parts of the letter on?

10 **ATTORNEY RUTLEDGE:** I think there's a  
11 letter in there Theresa Hill?

12 **PRESIDING COMMISSIONER FISHER:** Okay. I've  
13 got a Patricia Hill here. Is that the letter  
14 you're talking about?

15 **ATTORNEY RUTLEDGE:** That letter and just  
16 the support letter from the job offers and that  
17 letter would be most important.

18 **PRESIDING COMMISSIONER FISHER:** Okay. This  
19 is from Brenard and Patricia Hill. It says,  
20 "We're writing this letter on behalf of Mr.  
21 McClore in hopes of gaining some pleasure to  
22 past chapters of his life in order to let the  
23 sun rays of the future shine in. My wife and I  
24 have reconfirmed our belief that we are willing  
25 to provide a stable and loving home to Mr.  
26 McClore, also, we can offer him employment in my  
27 thriving ground maintenance business. We truly

1 believe in (Indiscernible) second chances and we  
2 are ready and willing and able to help and  
3 assist Mr. McClore re-enter society and become a  
4 productive member. It says that they believe you  
5 are rehabilitated and ready to be released. Now,  
6 how do you know them?

7 **INMATE MCCLORE:** (Indiscernible) in the  
8 visiting room.

9 **PRESIDING COMMISSIONER FISHER:** Were they  
10 here on a prison ministry kind of thing?

11 **INMATE MCCLORE:** Well, she was coming to  
12 visit somebody, she was coming to visit her  
13 husband.

14 **PRESIDING COMMISSIONER FISHER:** Oh. Okay.  
15 And I have a letter here that apparently is  
16 signed by several members of your family.

17 **ATTORNEY RUTLEDGE:** You don't have to read  
18 that one.

19 **PRESIDING COMMISSIONER FISHER:** I'm  
20 looking for another job offer, or was that the  
21 one you were talking about?

22 **ATTORNEY RUTLEDGE:** Right. That one of the  
23 beauty salon would be relevant.

24 **PRESIDING COMMISSIONER FISHER:** And who is  
25 that from?

26 **INMATE MCCLORE:** Caroline.

27 **PRESIDING COMMISSIONER FISHER:** Here it

1 is. And that is Luissaint, it says, "upon Mr.  
2 McClore's release, he would be provided with  
3 food, shelter, transportation, clothing and all  
4 the technologies that have been developed over  
5 the years of his incarceration. This offer is  
6 available to him for as long as he needs. It and  
7 for gainful employment, this offer will not  
8 expire," I guess is what it's supposed to say.  
9 "until I'm assured that Mr. McClore will not be  
10 a burden to anyone and his adjustment into  
11 society is full and complete." Okay. All right.  
12 I do have a letter here from the Los Angeles  
13 Police Department. They wrote in response to  
14 3042 notices. I have multiple copies of that.  
15 Mr. McClore, before we move on, is there  
16 anything about anything of the areas that I've  
17 covered with you that you feel that we haven't  
18 covered adequately?

19 **INMATE MCCLORE:** No, you got it.

20 **PRESIDING COMMISSIONER FISHER:** Okay. All  
21 right, then if you will turn your attention to  
22 Commissioner McBean, she's going to go through  
23 your post-conviction factors with you.

24 **DEPUTY COMMISSIONER MCBEAN:** Okay. Very  
25 good. I was struggling over here because I  
26 couldn't find a lot of things that were written  
27 about, and then I found there was another file I



1 wasn't looking at, so -- Now Mr. McClore, in  
2 this phase of the hearing we'll be looking at  
3 your institutional adjustment and I've read the  
4 Central File, the Board Report, the Psych  
5 Evaluation and if I miss anything, I'll give  
6 you and your attorney an opportunity to add  
7 something. I see you last appeared before the  
8 Board on 10-23-03, at that time, you were given  
9 a one-year denial. And you were asked to remain  
10 disciplinary free and to participate in self-  
11 help and therapy. You have a current  
12 classification score of 19, your custody level,  
13 Medium A. Now, you're still working as the  
14 photographer in Visiting?

15 **INMATE MCCLORE:** Yes.

16 **DEPUTY COMMISSIONER MCBEAN:** Okay. And it  
17 looks like you've been doing that since '02 and  
18 doing very well, you have above average work  
19 reports, prior to that time, you worked as a  
20 Porter?

21 **INMATE MCCLORE:** Yes.

22 **DEPUTY COMMISSIONER MCBEAN:** Okay. Just  
23 going back to 2000, you do have a GED and what  
24 year did you acquire that?

25 **INMATE MCCLORE:** What year? Had to be  
26 around '89 I believe.

27 **DEPUTY COMMISSIONER MCBEAN:** Okay. I can

1 verify that, I believe it's in this second file.  
2 (Indiscernible) Score, 9.3 and from an academic  
3 standpoint, I saw that you participated in some  
4 business classes back in 1996 as well. Is that  
5 right?

6 **INMATE MCCLORE:** Yes.

7 **DEPUTY COMMISSIONER MCBEAN:** Any other  
8 academic upgrades?

9 **INMATE MCCLORE:** I think that would be in  
10 the file --

11 **DEPUTY COMMISSIONER MCBEAN:** Just tell me  
12 what they are, did you do anything else, have  
13 you acquired a college degree or done any  
14 correspondence work academically?

15 **INMATE MCCLORE:** No. Until they took  
16 college out of prison, I was going to college,  
17 then they took it away.

18 **DEPUTY COMMISSIONER MCBEAN:** I know they  
19 did. So how long did you attend college classes  
20 in prison before they took it away?

21 **INMATE MCCLORE:** I think, not even a year  
22 I don't think.

23 **DEPUTY COMMISSIONER MCBEAN:** Now let's  
24 see, from a vocational standpoint, you did  
25 complete mill and cabinet, is that right?

26 **INMATE MCCLORE:** Yes.

27 **DEPUTY COMMISSIONER MCBEAN:** And also, you

1 did complete the Graphics Arts Print Design  
2 Program in 2000 and looked like you participated  
3 in upholstery in '99 as well, did you complete  
4 that one?

5 **INMATE MCCLORE:** I don't remember that.

6 **DEPUTY COMMISSIONER MCBEAN:** Didn't look  
7 like you were in it very long. So you have  
8 completed two vocational trades?

9 **INMATE MCCLORE:** Yes.

10 **DEPUTY COMMISSIONER MCBEAN:** All right.  
11 Looking at -- what self-help have you  
12 participated in since your last appearance in  
13 '03?

14 **INMATE MCCLORE:** I tried to get in the  
15 self-help program, I have a chrono -- it was  
16 going to be triple C, it was going to be anger  
17 management, I've been taking courses of that.

18 **DEPUTY COMMISSIONER MCBEAN:** You've taken  
19 Anger Management?

20 **INMATE MCCLORE:** Well, I took two courses,  
21 I completed and then I was going to take another  
22 one, but they wouldn't let me because they said  
23 I'm not a triple C.

24 **DEPUTY COMMISSIONER MCBEAN:** Right. So  
25 since '03, have you been doing any self-help at  
26 all?

27 **INMATE MCCLORE:** No.

1           **DEPUTY COMMISSIONER MCBEAN:** Okay. I can  
2 see that your not Triple CMS and you never have  
3 been, right?

4           **INMATE MCCLORE:** Right.

5           **DEPUTY COMMISSIONER MCBEAN:** I see that  
6 you did the impact program in '02, looks like  
7 you were in AA/NA from '96 to 2000, did a life  
8 skills program with Dr. Bateman, and some one-  
9 on-one counseling with Dr. Bateman, I saw that  
10 you read some self-help books in '02.

11          **INMATE MCCLORE:** Yes.

12          **DEPUTY COMMISSIONER MCBEAN:** That goes  
13 back as far as 2000 and before that you had done  
14 some other things, did some Muslim sponsored  
15 programs, participated in a Rock Program, what  
16 is that?

17          **INMATE MCCLORE:** It's like a scared-  
18 straight program. That was at Corpus State  
19 Prison.

20          **DEPUTY COMMISSIONER MCBEAN:** Okay. And you  
21 did some science of mind courses.

22          **INMATE MCCLORE:** Yes.

23          **DEPUTY COMMISSIONER MCBEAN:** Okay. But  
24 since your last appearance, you haven't been  
25 successful in participating in anything.

26          **INMATE MCCLORE:** Right. Because they don't  
27 really have anything here that you can take when

1 you get ready to take, you know.

2 **DEPUTY COMMISSIONER MCBEAN:** Are you on  
3 some waiting list, or something like that?

4 **INMATE MCCLORE:** Right.

5 **DEPUTY COMMISSIONER MCBEAN:** Are you?

6 **INMATE MCCLORE:** No, not right now.

7 **DEPUTY COMMISSIONER MCBEAN:** I didn't see  
8 Anger Management in the file, have you done  
9 Anger Management?

10 **INMATE MCCLORE:** Yes, I did a book report  
11 and also in the impact, there's a chrono in  
12 there has some anger management in there.

13 **DEPUTY COMMISSIONER MCBEAN:** True, I know  
14 that, it's in Impact. Did you do a separate  
15 stand alone Anger Management Program somehow?

16 **INMATE MCCLORE:** No, that's what the  
17 Triple C won't let me --

18 **DEPUTY COMMISSIONER MCBEAN:** Right. So  
19 this Anger Management is part of Impact?

20 **INMATE MCCLORE:** Right.

21 **DEPUTY COMMISSIONER MCBEAN:** Okay.

22 **INMATE MCCLORE:** And the book course I  
23 took with Dr. Causewell.

24 **DEPUTY COMMISSIONER MCBEAN:** You mean the  
25 reading of self-help books in '02?

26 **INMATE MCCLORE:** Right, exactly.

27 **DEPUTY COMMISSIONER MCBEAN:** Very good.

1 From a disciplinary standpoint, you have six  
2 115s between 1985 and 1997, your last one was on  
3 3-6-97 for failing to participate, the others  
4 are for things like being out of bounds,  
5 refusing to perform duties, destroying State  
6 property, home brew in cell, that was way back  
7 in '87, two for home brew in cell, modernly we  
8 call it Pruno. That was your forno, so to speak?

9 **INMATE MCCLORE:** Yea.

10 **DEPUTY COMMISSIONER MCBEAN:** Did you make  
11 that Pruno.

12 **INMATE MCCLORE:** No, I didn't.

13 **ATTORNEY RUTLEDGE:** Oh, I would note that  
14 two of his 115s were when he was serving his  
15 prior term, the one's in '85, that was when he  
16 was serving the term for burglary.

17 **PRESIDING COMMISSIONER FISHER:** Life term  
18 started 4-6-87, so that good, we'll say there  
19 are four 115s then.

20 **DEPUTY COMMISSIONER MCBEAN:** Now there was  
21 one in '94 for assault and battery causing GBI  
22 any comments you want to make about that one?  
23 That's a pretty serious 115, looks like you got  
24 a SHU term for that.

25 **INMATE MCCLORE:** I didn't do a SHU term.

26 **DEPUTY COMMISSIONER MCBEAN:** It was  
27 assessed and suspended.

1           **INMATE MCCLORE:** Yes.

2           **DEPUTY COMMISSIONER MCBEAN:** What happened  
3 there?

4           **INMATE MCCLORE:** Well, me and another  
5 individual has got to a misunderstanding, so he  
6 jumped me on the yard, and I was defending  
7 myself in the fight. The officer shot a warning  
8 shot for us to lay on the ground, I lay on the  
9 ground, and while I was laying on the ground the  
10 officer still shot me, so later on, it was  
11 determined later that I was wrongly shot in that  
12 incident.

13           **DEPUTY COMMISSIONER MCBEAN:** Okay. The 115  
14 say you fell to the ground and continued to  
15 fight while on the ground and that's why you  
16 were shot.

17           **INMATE MCCLORE:** Exactly, but I got some--

18           **ATTORNEY RUTLEDGE:** Mr. McClore has a  
19 letter that I've seen from the -- like when you  
20 write a letter because -- you need prosthesis?

21           **INMATE MCCLORE:** Yes.

22           **ATTORNEY RUTLEDGE:** And they granted him  
23 that, they state in the letter that he was  
24 accidentally shot, that's the basis of his  
25 comment on that.

26           **DEPUTY COMMISSIONER MCBEAN:** Is that how  
27 your leg got injured and you've been required to

1 use a cane since then, this was the shooting you  
2 were looting to earlier?

3 INMATE MCCLORE: Right.

4 DEPUTY COMMISSIONER MCBEAN: Okay. Were  
5 you shot with less-than-lethal, or were you shot  
6 with a bullet?

7 INMATE MCCLORE: A bullet.

8 DEPUTY COMMISSIONER MCBEAN: You were shot  
9 in the thigh.

10 INMATE MCCLORE: Yes.

11 DEPUTY COMMISSIONER MCBEAN: Okay. That's  
12 the only 115 that I saw for any kind of violent  
13 behavior and you have no 128s on this term. Is  
14 that right?

15 INMATE MCCLORE: Right.

16 DEPUTY COMMISSIONER MCBEAN: All right.  
17 Let's look at the psych evaluations here, your  
18 most recent psych eval, 10-7-03, by Dr. S.  
19 Sexton, no contributory clinical disorder on  
20 Axis 1, and adult anti social behavior history  
21 only on Axis 2. Dr. States inmate's McClore's  
22 parole progress is excellent, there's virtually  
23 no indicator's suggesting otherwise. He has  
24 participated in virtually every activity of  
25 self-help offered in the institution over the  
26 years of his incarceration. Is that true?

27 INMATE MCCLORE: Yes.



1           **DEPUTY COMMISSIONER MCBEAN:** You mean,  
2 here at Soledad? Or wherever you've been?

3           **INMATE MCCLORE:** Here at Soledad, I've  
4 been here almost 8 years, 7 years.

5           **DEPUTY COMMISSIONER MCBEAN:** You've done  
6 every self-help program that there is?

7           **INMATE MCCLORE:** I wouldn't say that there  
8 is, I would say that I tried to get into, that's  
9 available that can help me, yes.

10          **DEPUTY COMMISSIONER MCBEAN:** Okay. The  
11 things that you tried to get into, you were  
12 successful at getting into. Okay. He says you've  
13 made excellent use of incarceration time, gained  
14 very invaluable knowledge and that he did not  
15 previously possess, there are no additional  
16 self-help groups or services provided by the  
17 psychology department of the institution that  
18 has anything more to offer this inmate. He's  
19 already used them wisely and has made great  
20 strides in his personal development. Now, what  
21 kinds of drugs and alcohol -- what kind of drugs  
22 did you say you have used in the past before  
23 this prison term?

24          **INMATE MCCLORE:** I never used no drugs.

25          **DEPUTY COMMISSIONER MCBEAN:** Never used  
26 drugs? Never used alcohol?

27          **INMATE MCCLORE:** Only for social

1 occasions, like once or twice, not -- I don't  
2 really drink much.

3           **DEPUTY COMMISSIONER MCBEAN:** Okay, he  
4 notes you have also had several laudatory  
5 chrono's from Correctional Officer Bann, which I  
6 also noticed in the Central file, commending you  
7 for your interaction with staff and inmates and  
8 indicating it's always been very respectful and  
9 demonstrating an outward air of likeability for  
10 those he comes in contact with or has the  
11 slightest interaction with. "And it is my  
12 opinion that once introduced back into society  
13 through parole, he will continue to demonstrate  
14 those qualities and maturity, responsibility and  
15 empathy necessary to fulfill his role as a law-  
16 abiding and productive citizen." So, in terms of  
17 dangerousness, he says given all the information  
18 above, it's the clinicians opinion this inmate  
19 poses a considerably lower degree of threat than  
20 the average level 2 inmate and if released to  
21 the community, the inmate poses no more threat  
22 of violence or dangerousness than any other  
23 citizen in the community. Okay. Was there  
24 anything else you wanted to add in terms of your  
25 accomplishments or institutional adjustment I  
26 may have missed?

27           **INMATE MCCLORE:** No.

1           **DEPUTY COMMISSIONER MCBEAN:** Okay.

2   Anything you want to add Counsel?

3           **ATTORNEY RUTLEDGE:** No.

4           **DEPUTY COMMISSIONER MCBEAN:** Okay, let me  
5   turn to the Chair.

6           **PRESIDING COMMISSIONER FISHER:** What  
7   happened at your hearing last year? You and  
8   Commissioner Harmon kind of had words at the end  
9   of the hearing. He referred to it as you having  
10   a little fit.

11          **INMATE MCCLORE:** To be honest with you,  
12   and I apologize for that, because I did. Because  
13   I'm ready to go home. I really, am ready to go  
14   home because I accept full responsibility, I  
15   have much remorse for what I done, because I  
16   know the mental trauma I sent this victim  
17   through and I will never want to be a victim  
18   like that myself, so, that's what it was. That  
19   was totally on me, and I apologize for it.

20          **PRESIDING COMMISSIONER FISHER:** What was  
21   it about?

22          **INMATE MCCLORE:** I don't mean no  
23   disrespect, I'm going to be just straight  
24   forward with it, whenever I'm denied to go home,  
25   it's real painful. And because I know when it  
26   come to a one-year denial, two-year denial,  
27   three-year denial, four-five-year denial, they

1 always go past that. I never came back, at no  
2 time was I suppose to come back. Like right now,  
3 I supposed to come back to the parole board the  
4 2004, on a two-year denial, so that bothers me  
5 because I already know when I hear that one-  
6 year, there's no such thing. So that's what it  
7 was.

8 **PRESIDING COMMISSIONER FISHER:** Okay. I  
9 don't have any questions, do you have anything?

10 **DEPUTY COMMISSIONER MCBEAN:** What's going  
11 to prevent you from committing another crime  
12 like this in the future?

13 **INMATE MCCLORE:** Stand spiritually  
14 grounded and making sure I have respect for  
15 other people and being more sensitive to other  
16 people needs and wishes and being with my family  
17 and getting me a job and staying straight.

18 **DEPUTY COMMISSIONER MCBEAN:** That's my  
19 only question.

20 **PRESIDING COMMISSIONER FISHER:** Counsel?

21 **ATTORNEY RUTLEDGE:** Just a quick question  
22 Mr. McClore, how is it that before you weren't  
23 into working, what did you learn in prison, you  
24 said you need to get a job. Explain that part,  
25 what's the importance of getting a job?

26 **INMATE MCCLORE:** Being independent, and  
27 then being able to do what I want to do, making

1 my own money, staying out of crime and not never  
2 ever going down that avenue again.

3 **ATTORNEY RUTLEDGE:** Okay. No further  
4 questions for Mr. McClore.

5 **PRESIDING COMMISSIONER FISHER:** All right.  
6 Would you like to close?

7 **DEPUTY DISTRICT ATTORNEY DELAVIGNE:** Yes.  
8 It's the position of the District Attorney's  
9 office that we oppose the finding of  
10 suitability. Looking at the inmate's record, he  
11 was sentenced to stay prison, paroled, while he  
12 was on parole, he committed another crime, went  
13 back to prison, and then he committed this crime  
14 after that and thinking of the circumstances of  
15 this crime, I compare it to a murder victim --  
16 it's final for a murder victim, it's all over,  
17 but looking at the probation report and Miss  
18 Bushay's (phonetic) statement that she made at  
19 the time, she said that she had suffered a great  
20 deal of mental distress as a result of this  
21 offense. And that she hopes that both the  
22 defendant's are in for a long time and she is  
23 fearful for her safety when they are released,  
24 which means that for the rest of her life, she  
25 is going to be looking over her shoulder, not  
26 only at these two defendant's if they are  
27 released, but she is afraid of her safety when

1 she's out in public and I think that's a  
2 horrible thing to put on anybody. And those are  
3 the reasons that I oppose the suitability, just  
4 on the crime itself.

5 **PRESIDING COMMISSIONER FISHER:** Thank you.  
6 Counsel?

7 **ATTORNEY RUTLEDGE:** I was asking Mr.  
8 McClore about the job thing, he basically came  
9 to the correctional system as a punk. Someone  
10 who just, who thought the way to get money was  
11 to take it from other people. The man that I met  
12 here, preparing for his hearing isn't the same  
13 person reflected in the parole reports. He's  
14 participated in self-help, he has maintained his  
15 family contacts, he's a very successful worker  
16 in the visiting room, interacting with other  
17 people, that shows in itself, a desire to work,  
18 to do something useful other than sit in here  
19 and think of ways to hustle, he's actually been  
20 very productive in prison. He has worked, done  
21 numerous vocations, got his, GED completed a  
22 short amount of college, he has no substance  
23 abuse issues according to his records, he's kept  
24 in contact with his son's, he sends them money.  
25 He completed the Rock Program, Life Skills,  
26 individual therapy, he's done four years of NA  
27 and AA, self-help books, the IMPACT Program, two

1 sections on anger management, I would note that  
2 on the behavioral side, his rules violation in  
3 '94 which was 11 years ago, 11 years ago, I  
4 think he may not have gotten a SHU term, but he  
5 got shot in the leg, I mean, I definitely see  
6 that he learned from that, we haven't had any  
7 type of violence or anything like that since  
8 then. And I would note to his chrono that he has  
9 from Correctional Officer Bann, who says he's  
10 been a correctional officer for 17 years and  
11 that Mr. McClore demonstrates a high degree of  
12 maturity and responsibility in dealing with the  
13 stresses, tensions and problems with this prison  
14 environment. It is my opinion that once re-  
15 introduced back into society through parole, he  
16 was continue to demonstrate the qualities of  
17 maturity and responsibility necessary to fulfill  
18 his role as a productive citizen and I think  
19 that underlines what I'm saying before. Here is  
20 a man who took the tools of the system and used  
21 them to turn himself, to transform from punk  
22 into a man who's going to be a productive member  
23 of society. And I would note this crime, not at  
24 all to undercut how this would have affected the  
25 victim, there was no life taken, and Mr. McClore  
26 didn't have any type of a weapon or harm, it was  
27 kind of a goofy crime, really. A display of his

1 true ignorance at the time. And I think in the  
2 psych report and in previous psych reports, as  
3 far as his remorse goes, he taken his  
4 responsibility, he seems to have insight on his  
5 behavior on the victim. He, at that time, in his  
6 ignorant thinking, he thought if we don't hurt  
7 the person, we haven't hurt them, but now he  
8 realizes that their behavior did in fact  
9 traumatize the victim. And I'm quoting for that  
10 he's extremely remorseful and apologetic. So we  
11 have one officer saying that he's ready to go  
12 into society, and also in the conclusion of the  
13 psych report is just overwhelmingly for parole.  
14 Every item on the last page of the '03 psych  
15 report supports him being paroled. I would note  
16 too, that in previous hearings, it's always been  
17 stated that he has stayed disciplinary free and  
18 use self-help, which I believe he's done. Also,  
19 in a previous hearing, they asked him to firm up  
20 his parole plans, which he's also done. He's  
21 even taken the time to contact the Board of  
22 Parole Hearings for any additional resources  
23 that he could utilize. And he commented to me  
24 when he heard there was a letter in his file, he  
25 said, "you know, I really don't want to be in  
26 L.A. I will go there because that's where I have  
27 to start, but as soon as I can, I'll probably go



1 to Tennessee, if the L.A. PD doesn't want me  
2 there, I don't want to give them any trouble,  
3 I'll just go to Tennessee," So, some people  
4 would feel offended by that, but he seems to  
5 take it in stride and want to cooperate with  
6 that. So, I would ask the Board, based upon all  
7 that information, to give Mr. McClore a parole  
8 date at this time.

9           **PRESIDING COMMISSIONER FISHER:** Thank you.  
10 Mr. McClore, would you like to add anything?

11           **INMATE MCCLORE:** No. I think she did good.

12           **PRESIDING COMMISSIONER FISHER:** All right.  
13 We'll go ahead a recess then.

14                           **R E C E S S**

15                           **--oOo--**

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**CALIFORNIA BOARD OF PRISON TERMS**

**D E C I S I O N**

**PRESIDING COMMISSIONER FISHER:** All right. I

note for the record that everyone that was previously in the room and identified themselves have returned to the room. Mr. McClore, I'm going to cut to the chase here. This is another one-year denial and I'm going to be real specific with you as to why. The Panel reviewed all the information received from the public and relied on the following circumstances in concluding the Mr. McClore is not yet suitable for parole and would pose an unreasonable risk of danger to society or a threat to public safety if released from prison. This case was the kidnapping of Miss Krista Boucher who was forced into her car and forced to turn over money and to, in fact, actually shop for her two kidnappers. Mr. McClore, we went back through the transcripts of your prior hearings and there are two major things that really came out at us. The first one is the fact that you just seem kind of flipped about talking about your offenses, you know, and it may just be because you've talked about them a lot, it's hard to say. But it doesn't feel to us that you have a lot of insight as to why you were doing the things you were doing or into how your crimes affected other people. The other thing that really troubled

1 both of us was the fact that in the '96, '98, '99, '02  
2 and 2003 hearings, at the end of the hearings, all of  
3 the Commissioners made comments about your reaction.  
4 And that concerns us. Don't do it again, because if  
5 you do it again, because if you do it here, I  
6 guarantee you the next person reading the transcript  
7 of this hearing is going to bring it up again. It  
8 gives us pause. It gives us pause that in '96 you  
9 walked out. In '98, the Commissioner referred to  
10 having temper tantrums; in '99 you argued with the  
11 Commissioner; in 2002 you argued with the  
12 Commissioner; in 2003, Commissioner Harmon referred to  
13 you throwing a fit. Now, you're chuckling, but here's  
14 the thing, we don't see that kind of behavior and give  
15 you a 115, but I have to tell you that, to any Panel,  
16 is going to be a red flag. I'm going to suggest this  
17 to you, I want you to, over the course of next year,  
18 and we are working very hard to clear up the back log,  
19 we haven't even come up with a way to do it, so  
20 hopefully you'll be back here in year, I want you to  
21 go through the transcripts of not just your commitment  
22 offense, but the transcripts that we have in here, the  
23 information about the assault with deadly weapon. I  
24 want you to go through those, I want you to really go  
25 through your Central File and come back in prepared to  
26 talk about, other than, you fell in with bad company,  
27 **WILBUR MCCLORE C-50493 DECISION PAGE 2 9-12-05**

1 or you went through a bad patch and talk about what  
2 kind of insight you developed as to why you were  
3 behaving the way you were behaving and what's  
4 different about you now. And if you can't get into an  
5 Anger Management Program in the institution, do  
6 something on your own, okay. Because you coming in  
7 here at the end of your hearings and throwing a temper  
8 tantrum as was referred to by multiple Commissioners,  
9 is not going to do you any good. It just makes you  
10 look bad and for the most part, you've conducted  
11 yourself really well in this hearing and you seem to  
12 be conducting yourself well in the institution, but if  
13 certain things set you off, we have to be worried  
14 about that. So, I'm giving you the best advice I can  
15 here. I -- you're doing a good program, you haven't  
16 done as much work since your last hearing as you were  
17 doing before, and I know that there's been a shortage  
18 of programs. I really want to encourage you to do some  
19 work on your own so that you can come back here loaded  
20 with the self-help and just come back looking really  
21 good instead of (Indiscernible). All of the  
22 Commissioners agreed with the prior decisions, they  
23 all do. So, when you do stuff like that, it raises  
24 people's (Indiscernible). This was a crime where  
25 nobody was dead, nobody got hurt, it was a bad crime  
26 and you had prior prison terms, but you ought to be

1 able to get out of prison. You just need to do those  
2 things and first of all, I hope that you're back here  
3 on exactly the same date next year as you are today  
4 and that you'll come back having considered seriously  
5 what I just told you. And this completes the decision.  
6 Do you have any comments?

7           **DEPUTY COMMISSIONER MCBEAN:** Yea. I couldn't  
8 agree more and I think Commissioner Fisher really said  
9 it well, and I hope that you heard her words. The only  
10 thing that I wrote down, she was trying to question  
11 you about your level of insight and why you committed  
12 the crime, you said you didn't use drugs, I noticed  
13 some reference in the past of experimentation with  
14 marijuana, that is in the prior transcripts, we do  
15 count that, but what you said was, "I was just  
16 stressing". That is all I heard from you in terms of  
17 insight as to why you did this crime. You know,  
18 hanging out with the wrong people and you were just  
19 stressing, you weren't under the influence, you  
20 weren't using drugs, and you stress in these hearings,  
21 as has been pointed out. You had to be shot in '94 to  
22 get you to stop fighting. So, all that kind of adds up  
23 to, you need to be able to better understand what got  
24 you there and be able to better discuss it here and to  
25 be able to handle the decisions made about you when  
26 you don't like them, which is what I think we're

1 seeing consistently over the years, at the Board. We  
2 know you want to get out of prison, we understand  
3 that, but you need to be able to handle the things  
4 that don't go your way in life without stressing and  
5 hurting somebody or hurting yourself in the process,  
6 which is what you do when you come here and you don't  
7 handle it well. So, she gave you excellent advice, I  
8 couldn't agree more, you've done zero self-help since  
9 your last hearing and that's not a good thing either.  
10 You need to be doing something to get into anything  
11 and everything that you can because, don't tread water  
12 and think, okay, I've done enough and that's all I'm  
13 going to do, that's not a good thing either. You need  
14 to get out there and find something, get involved in  
15 it and try to gain everything you can to gain as much  
16 insight as you can. Because no one's ever done  
17 growing, and that includes us. Okay. Well, good luck  
18 to you sir.

19 **PRESIDING COMMISSIONER FISHER:** One more thing,  
20 I just want to plant a seed here Mr. McClore and that  
21 is that, when the Panel finds you suitable, you're  
22 going to have to pass mustard at the Governor's desk  
23 and he's going to be reading these decisions too. They  
24 will pick apart everything, so you just want to be the  
25 best package you can be, and because of these comments  
26 that have been made in the past, you really want to do  
27 **WILBUR MCCLORE C-50493 DECISION PAGE 5 9-12-05**

1 whatever you can over the next 12 months to counter  
2 act that. Because all you are when you hit his desk is  
3 a file. He doesn't have an opportunity to sit across  
4 the table and talk to you like the Commissioners do,  
5 so -- and certainly that has nothing to do with  
6 whether a Panel finds you suitable, but I think it's a  
7 shame when a Panel does find an inmate suitable who  
8 really has done a good job, if there's something that  
9 they haven't been able to address on paper and the  
10 Governor sends it back. So I just want you to be  
11 thinking about that and doing what you need to do for  
12 yourself and to dot all the I's and cross all the t's.  
13 And I think your close. All right. Good luck sir.

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23 **PAROLE DENIED FOR 1 YEAR.**

24 **THIS DECISION WILL BE FINAL ON: Jan 10, 2006**

25 **YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT DATE,**

26 **THE DECISION IS MODIFIED**

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CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, TIFFANY BILLINGSLEY, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 44, and which recording was duly recorded at VALLEY CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF WILBUR McCLORE, CDC NO. C-50493, ON SEPTEMBER 12, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated SEPTEMBER 19, 2005, at Sacramento, California.

*Tiffany Billingsley*  
TIFFANY BILLINGSLEY  
TRANSCRIBER  
PETERS SHORTHAND REPORTING